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FM AMEMBASSY BISHKEK
TO RUEHC/SECSTATE WASHDC IMMEDIATE 7129
INFO RUCNCIS/CIS COLLECTIVE PRIORITY
RUCNMCT/MCC THRESHOLD COLLECTIVE PRIORITY
RUEHAK/AMEMBASSY ANKARA PRIORITY 0539
RUEHBJ/AMEMBASSY BEIJING PRIORITY 1482
RUEHBUL/AMEMBASSY KABUL PRIORITY 0182
RUEAIIA/CIA WASHDC PRIORITY
RHEFDIA/DIA WASHDC PRIORITY
RUEKJCS/Joint STAFF WASHDC PRIORITY
RHMFIS/USCENTCOM INTEL CEN MACDILL AFB FL PRIORITY
RUEHNO/USMISSION USNATO BRUSSELS BE PRIORITY
RUEHVEN/USMISSION USOSCE PRIORITY 1863
RUCNDT/USMISSION USUN NEW YORK PRIORITY 1246
RUEKJCS/SECDEF WASHDC PRIORITY
RUEHBS/USEU BRUSSELS PRIORITY
RUEKJCS/OSD WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 BISHKEK 000503

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E.O. 12958: DECL: 03/29/2016

TAGS: PGOV KDEM KCRM KCOR KG

SUBJECT: CENTRAL ELECTION COMMISSION REFUSING TO CERTIFY
AKMATBAYEV ELECTION VICTORY

REF: A. BISHKEK 436

1B. BISHKEK 186

1C. BISHKEK 446

1D. BISHKEK 496

1E. BISHKEK 440

Classified By: Ambassador Marie L. Yovanovitch, reasons 1.4 (b) and (d)

11. (C) SUMMARY: On April 10, Central Election Commission (CEC) Chairman Tuigunaly Abdraimov announced that the CEC would not certify organized crime kingpin Ryspek Akmatbayev as the winner of the April 9 parliamentary by-election pending the outcome of Akmatbayev's impending re-trial for three counts of murder. Although Abdraimov probably has the law on his side, his attempts to block Akmatbayev's candidacy appear to be motivated more by a desire to embarrass President Bakiyev than a genuine interest in evenhandedly enforcing the law. END SUMMARY.

LEGAL BASIS

12. (C) CEC Chair Abdraimov has taken the surprising decision to refuse to certify Ryspek Akmatbayev as the winner of the April 9 parliamentary by-election pending the outcome of Akmatbayev's impending re-trial for murder. Although Akmatbayev was acquitted of murder charges on January 25 (reftel b), the family of the victim appealed the verdict, meaning Akmatbayev must stand trial again. Although the law prohibits the arrest or trial of candidates for office, the CEC declared that with the by-election over, Akmatbayev is no longer a candidate and can stand trial.

13. (C) The April 10 CEC decision marked the second time since March 30 that Abdraimov and the CEC have tried to block Akmatbayev from reaching the parliament. On March 30, the CEC revoked Akmatbayev's candidate registration, only to have the decision overturned by a Bishkek court (reftel a). At a press conference on April 11, Abdraimov alleged that Akmatbayev himself called Abdraimov and threatened to kill him in retaliation for the CEC decision. Abdraimov has since hired a private security firm to protect him.

BUSINESS, OR PERSONAL?

¶4. (C) Parliamentarian Omurbek Babanov told Ambassador Yovanovitch that CEC Chair Abdraimov himself had persuaded a reluctant CEC on March 30 to vote to revoke Akmatbayev's registration. Babanov, who was sitting in Abdraimov's office following the CEC vote, said that Chief of Presidential Staff Usen Sydykov called Abdraimov at least 20 times to urge Abdraimov to rush the CEC ruling to a Bishkek court so that Akmatbayev could file an appeal. (NOTE: According to the law, the courts cannot review a CEC decision without a hard copy of the CEC ruling. END NOTE). According to Babanov, the Presidential Administration on March 30 spent much of the day trying to find a Bishkek court willing to accept the appeal, then badgered the CEC to send a copy of its ruling to the court. In the end, a Bishkek district court convened several days later, late on a Sunday evening, and overturned the CEC decision (reftel c).

¶5. (C) COMMENT: It is clear that among CEC members, Abdraimov himself has been the driving force behind the two CEC attempts to block Akmatbayev's candidacy. What is less clear is Abdraimov's motivation. According to President of the NGO Coalition for Democracy and Civil Society Edil Baisalov, Abdraimov ruled against Akmatbayev primarily because he believes in enforcing the law. But Abdraimov certainly has powerful political motives as well. Abdraimov's standoff with Akmatbayev is part of a much larger political game.

¶6. (C) COMMENT CONT'D: CEC Chair Abdraimov is a long-time ally of Minister of Trade, Industry and Tourism Almaz

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Atambayev, who is close to Prime Minister Feliks Kulov (whom Akmatbayev has publicly threatened to kill). Almaz Atambayev clearly has larger ambitions. He recently initiated a public spat with President Bakiyev over Bakiyev's decree (which Atambayev defied) banning membership in political parties by government ministers (Atambayev is the head of the Social Democratic Party). Atambayev has run for president in the past, and is one of the primary planners of an April 29 demonstration apparently designed to force Bakiyev to either open negotiations with the opposition or resign from office. Abdraimov himself is involved with this group (reftel d). There are personal motives as well. A doctor by trade, Abdraimov wanted very much to be Minister of Health, and has been angry with President Bakiyev for not appointing him to that position.

¶7. (C) COMMENT CONT'D: Each time Abdraimov blocks Akmatbayev's path to the parliament, he forces the Presidential Administration or the courts to intervene on Akmatbayev's behalf. It is difficult to overestimate the damage that this has done to Bakiyev's image and level of support in the north, particularly in Bishkek and within the Interior Ministry (MVD), which is convinced that Akmatbayev killed an MVD Colonel in early 2005 (a crime for which Akmatbayev is currently awaiting trial). Following the March 30 CEC decision, Akmatbayev bussed over one thousand supporters to Bishkek on March 31, where they quickly surrounded the White House (reftel e). President Bakiyev went onto the street to meet with them, seeming to confirm what most in Bishkek already firmly believe) that Bakiyev and Akmatbayev are somehow linked. Weakening Bakiyev further may well be Abdraimov's ultimate goal. If so, he has already done an effective job.

YOVANOVITCH